



Attorneys at Law

Evan J. Spelfogel
t 212.351.4539
f 212.878.8639
espelfogel@ebglaw.com

September 9, 2016

VIA ECF

Catherine O'Hagan Wolfe, Esq.
Clerk of the Court
United States Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: Patterson v. Raymours Furniture Company
Case No.: 15-2820cv

Dear Clerk O'Hagan Wolfe:

We are writing with respect to the above referenced matter, in which Epstein Becker & Green, P.C. ("EBG") entered its appearance as counsel for *amicus curiae* National Retail Federation ("NRF") in the above appeal (Evan J. Spelfogel and Steven M. Swirsky on the brief).

With leave of the Court EBG filed an *amicus* brief on behalf of NRF on June 20, 2016 [DE 127]. On September 2, 2016, the Court issued a Summary Order and Judgment affirming the judgment of the District Court, and on September 7, 2016, the Court issued a corrected Summary Order. On both of those Summary Orders, in addition to the principal parties' counsel, only counsel for *Amici Curiae* National Labor Relations Board and The Chamber of Commerce of the United States of America are listed as counsel for an *amici* party.

I anticipate that the Court's ruling in this appeal will have a significant impact on not only the retail industry but on many other industries and employment relationships as well. In fact, this is a principal reason why there was interest on both sides of the issue to submit *amici* briefs. We therefore, respectfully request that all *amici curiae* parties and their respective counsel be identified on the final Summary Order.

Catherine O'Hagan Wolfe, Esq.
February 8, 2016
Page 2

Thank you for your attention to this matter.

Respectfully submitted,

s/Evan J. Spelfogel

Evan J. Spelfogel

cc: All counsel of record via ECF